

Remarks

Prior to entry of this Amendment, claims 1-15 and 63-107 were pending in the application, and subject to a requirement for restriction. By this amendment, claims 84-87 are amended, claims 1-14 and 89-107 are cancelled, and new claims 108-112 are added. Support for new claims 108-112 can be found throughout the specification, for instance in Examples 11 and 14.

After entry of this Amendment, **claims 63-88 and 108-112 are pending**. Applicants reserve the right to pursue in a related application any subject matter deemed to have been removed from consideration by this amendment. No new matter is added by these amendments.

Clerical Errors

Applicants thank the Examiner for pointing out minor clerical errors in claims 89 and 103. These claims are cancelled in this case, as they are drawn to non-elected invention(s).

New Claims

Applicants have added new claims 108-112, drawn to transgenic non-human animals and cells from such animals. Applicants understand that the Office will assign these claims to a different Group than the Group(s) elected herewith, then withdraw these claims as directed to a non-elected Group.

Response to Requirement to Elect a Group

It is alleged that the claims encompass six “inventions” designated Groups I through VI. By this amendment, the claims of Groups I, II, V, and VI are cancelled.

In addition, claims 84-87 are amended to depend (directly or indirectly) from claims in Group IV. Applicants request that these claims be formally re-assigned to Group IV.

Applicants thank the Examiner for acknowledging that claims 63-70 link Groups III (claims 71-78) and IV (claims 79-88). Applicants hereby elect Examiner’s Group III for initial prosecution, with the understanding that the claims of Group IV will be recombined and

examined in the current case once it is determined that one or more of linking claims 63-70 are allowable.

Response to Requirement to Elect a Sequence Species

The Office also requires election of a single variant PDGFRA species, from among SEQ ID NOs: 4, 6, 8, 10, 12, 21, 23, and 25 (and the corresponding encoding nucleic acid).

Applicants traverse the requirement to elect a single sequence, as making such an election would render aspects of the elected invention inoperative. At least certain of the claimed methods are intended to detect a biological condition associated with an activating PDGFRA mutation, which activating mutation “comprises a variant nucleic acid sequence shown in one or more of positions 2072 through 2107 or 2090 through 2937 of SEQ ID NO: 26” (see, e.g., claim 63). By requiring that the Applicants elect only one sequence, the Office would effectively eviscerate those embodiments of the invention that are intended to concurrently detect whether a subject has any one (or more) of the several identified activating mutations.

In addition, Applicants assert that there will be no serious burden to retain all of the PDGFRA variant sequences within the elected Group. In particular, Applicants point out that the sequences are substantially similar to one another, by definition. In fact, each sequence differs by very few amino acids (up to about 19 possible variant positions in a protein of over 1000 amino acids). For convenience, the variants are summarized in the provided consensus sequence (SEQ ID NOs: 26 and 27). Applicants therefore request that all of the sequences be maintained in the current case.

As required by 37 C.F.R. §1.143, Applicants hereby elect for initial prosecution the species variant PDGFRA D842V (SEQ ID NOs: 3 and 4). Currently, claims 63-88 encompass the elected species. Applicants understand that additional species will be examined when the initially elected species is found to be allowable (in the context of a claim that is generic for the species). Applicants have therefore left the remaining species in the pending claims.

Conclusion

The Examiner is invited to telephone the undersigned if any questions remain concerning the requirement for restriction, or the comments made herein. Otherwise, the present application is ready for substantive examination, and such action is requested.

Respectfully submitted,

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